



GAU 3635

PATENT
Attorney Docket No. 41241/00006USD1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark L. Boyer et al.
Serial No.: 09/239,878
Filed: January 29, 1999
Title: PRE-CAST SECURITY VAULT

Art Unit: 3635
Examiner: Beth A. Aubrey

TRANSMITTAL LETTER

Box Non-Fee Amendment
Assistant Commissioner of Patents
Washington, D.C. 20231

Correspondence relating to this application is enclosed. The required fees are computed below. Please apply any charges not covered, or any credits, to Deposit Account No. 10-0447 (41241-00006USD1).

Total Claims	6	-	20	=	0	\$0
Independent	1	-	3	=	-	\$0
TOTAL FEE DUE:						\$0

The basic filing fee was paid when the application was originally filed.

Respectfully submitted,

Date: July 9, 1999

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Danielle Blocker
DENISE BLOCKER



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7/22-99

AMENDMENT AND RESPONSE TO
OFFICE ACTION DATED APRIL 15, 1999
UNDER 37 C.F.R. §§ 1.111, 1.112 AND 1.121

Box Non-Fee Amendment
Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

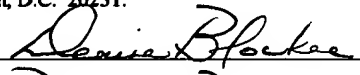
This is in reply to the April 15, 1999, Office Action in the above-identified application.

Please change the Attorney Docket Number from "07120/006001" to "41241/00006USD1".

Information Disclosure Statement

On January 29, 1999, Applicants filed an Information Disclosure Statement ("IDS") as required under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The Examiner has stated two objections to the IDS, one was under 37 C.F.R. § 1.98(a)(2) and the other was under 37 C.F.R. § 1.98(a)(3).

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DENISE BLOCKER	

Firstly, the Examiner has not considered the information referred to in the IDS, contending that the IDS fails to comply with 37 C.F.R. § 1.98(a)(2) which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Applicants respectfully request the Examiner to withdraw this objection and consider the information referred to in their January 29, 1999, IDS because Applicants have complied with 37 C.F.R. § 1.98(d).

Section 1.98(d) of Title 37 of the Code of Federal Regulations states:

A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120.

The present application is a divisional from parent Application No. 08/937,681, filed on September 25, 1997. On March 5, 1998, Applicants filed an IDS in the parent application, wherein they disclosed the references listed in the present application and attached thereto a copy of each reference. In an April 19, 1999, Office Action, the Examiner acknowledged receipt of the references in the parent application.

When Applicants filed the present application, they included a Preliminary Amendment wherein they requested the Office to insert before line 1 on page 1 of the specification the sentence "This is a divisional of U.S. Application Serial No. 08/937,681, filed September 25, 1997, (pending)." (Applicants are relying upon the parent application for its earlier filing date under 35 U.S.C. § 120.) They also indicated that the concurrently-filed "Form PTO-1449 [was] listing documents cited in the parent application(s)."

Applicants believe that they have complied with 37 C.F.R. § 1.98(d) because the references were submitted to the Office in a prior application, the references were properly identified in the prior application in their statement, and that the prior application is relied upon for an earlier filing date under 25 U.S.C. § 120. Accordingly, Applicants respectfully request the Examiner to withdraw this objection and consider the information referred to in their January 29, 1999, IDS.

Secondly, the Examiner has specifically noted foreign Patent No. DE3409127 was not considered, contending that the IDS fails to comply with 37 C.F.R. § 1.98(a)(3) because the IDS does not include a concise explanation of the relevance as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of its information. Applicants respectfully request the Examiner to withdraw this objection and consider the specifically noted reference.

In response to the Examiner's objection, Applicants first apologize to the Office for improperly identifying and listing the reference. Applicants should have identified the reference as an English translation of the abstract only of German Patent No. DE3409127 rather than as the actual patent. To correct this inadvertent error, Applicants have submitted herewith a new Form PTO-1449, wherein they properly identify and list the abstract.

Because Applicants did not disclose a reference that is not in the English language, they have no obligation under 37 C.F.R. § 1.98(a)(3) to provide a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) as most knowledgeable about the content of the information of each patent, publication, or other information listed that is not in the English language. Applicants disclosed an English language abstract. Applicants intended to disclose the English language abstract but failed to identify and list it properly.

In view of Applicants' corrected Form PTO-1449, Applicants respectfully request the Examiner to withdraw this objection and consider the English language abstract.

Claims - Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 17-21 under 35 U.S.C. § 103(a) as obvious over *Guardiani* (U.S. Patent No. 4,485,598), contending that *Guardiani* discloses a modular vault comprising a unitary housing body made of a metal-reinforced concrete, a pre-cast roof slab, side walls and a floor slab. The Examiner acknowledges that *Guardiani* lacks the vault having a door frame, means for facilitating hoisting of the body and the reinforcement metal being steel. However, the Examiner adds that the use of a frame around a door is well known, and that to have supplied the vault of *Guardiani* with a well-known door frame would have been obvious to one of ordinary skill. Furthermore, the Examiner contends the specific material used for reinforcement is considered a matter of obvious design choice for a skilled artisan. Applicants traverse.

Claim 17 of the present application is directed to a modular vault comprising: a unitary, housing body made of a durable material, the housing body defining a substantially vapor-tight enclosure; a frame fixedly mounted to a side of the housing body; a door hingedly attached to the frame, the door providing access to the enclosure; and means for facilitating hoisting of the housing body. Claims 18 - 21 depend from Claim 17.

The Examiner focuses on room elements A-H of *Guardiani* as disclosing a unitary housing body. The Examiner contends that these room elements teach or suggest the unitary, housing body element of Claim 17 and its dependent claims. This is incorrect.

All of the room elements of *Guardiani* disclose windows or openings to adjacent room elements. This limitation of the *Guardiani* disclosure is patently clear from Column 6, lines 1-10:

As can be seen in FIG. 4 the building to be realized consists, beyond the prefabricated walls forming the basement already described, also in room elements A, B, C, D, E, F, G, H. It can be seen how some of these elements have already been provided, in the construction stage thereof, with openings for doors, windows and the passage for the chimney and the access to the mansard; the joint projections and the dead holes of the pillars of reduced section incorporated in said elements can also be seen.

With openings and windows, none of the *Guardiani* room elements is designed to achieve a substantially vapor-tight enclosure. That is, none of the room elements teaches or suggests how to achieve substantially vapor-tight enclosure.

Moreover, if the *Guardiani* room elements are to achieve a substantially vapor-tight enclosure, they must be modified. *Guardiani* provides no suggestion or teaching about how to modify the disclosed structures to achieve a substantially vapor-tight enclosure. In fact, *Guardiani* is not even addressed to solving the problem of achieving a substantially vapor-tight enclosure. *Guardiani* is concerned with prefabricated elements and rooms for the quick construction of building and building works in general. See Col. 1, lines 8-10. *Guardiani* is not concerned with providing the "unitary, housing body made of a durable material, the housing body defining a substantially vapor-tight enclosure" element of a modular vault.

Applicants disclose how to achieve a substantially vapor-tight enclosure. Applicants disclose a modular vault having a unitary, housing body made of a durable material, the housing body defining a substantially vapor-tight enclosure as an element. *Guardiani* provides no suggestion or teaching how to achieve a substantially vapor-tight enclosure.

Because Claims 18 - 21 depend from Claim 17 and thereby incorporate the limitations of Claim 17, Claims 18 - 21 are also patentable over *Guardiani*. *Guardiani* fails to suggest or teach Applicants' invention as claimed in Claims 18 - 21.

Applicants thank the Examiner for acknowledging that *Guardiani* fails to show a vault having a door frame, means for facilitating hoisting of the body, and the reinforcement metal being steel.

The Examiner has rejected Claim 22 under 35 U.S.C. § 103(a) as obvious over *Guardiani* (U.S. Patent No. 4,485,598) as applied to Claim 17 above, and further in view of *Speer* (U.S. Patent No. 5,493,817), contending that *Guardiani* discloses a modular vault comprising a unitary housing body made of a metal-reinforced concrete, a pre-cast roof slab, side walls, and a floor slab and that *Speer* teaches a unitary vault having integral hooks on the roof of the body. The Examiner further contends that it would have been a matter of obvious design choice for a skilled artisan to have provided the vault of *Guardiani* with the hooks of *Speer* in order to have provided the vault with transporting capabilities. Applicants traverse.

Claim 22 of the present application is directed to a modular vault comprising: a unitary, housing body made of a durable material, the housing body defining a substantially vapor-tight enclosure; a frame fixedly mounted to a side of the housing body; a door hingedly attached to the frame, the door providing access to the enclosure; and means for facilitating hoisting of the housing body, wherein the means for facilitating hoisting is a plurality of hooks integrally formed with the housing body.

Claim 22 is patentable over *Guardiani* alone as a claim which depends from patentable Claim 17. Claim 22 is also independently patentable over the combination of *Guardiani* and *Speer* because the combined references fail to suggest or teach Applicants' claimed invention.

Regarding Claim 22 as depending from patentable Claim 17, Applicants refer to their previous discussion and incorporate it here. Applicants believe that they have demonstrated that they have

disclosed how to achieve a substantially vapor-tight enclosure and that *Guardiani* provides no suggestion or teaching how to achieve a substantially vapor-tight enclosure.

Regarding Claim 22 being independently patentable over the combination of *Guardiani* and *Speer*, the Examiner contends that *Speer* teaches or suggests the addition of hooks to the *Guardiani* room elements. Applicants observe that *Speer* is particularly related “to an improved mobile workshop of the transportable type for use on oil rig sites for manufacture, maintenance, testing and servicing of downhole tools, configured to maximize the work space and storage space of the workshop.” See Col. 1, lines 8-13. Applicants also observe that with reference to the FIGS. 1 and 2 of *Speer*, *Speer* indicated that the improved mobile workshop 10 was shown in the closed containerized configuration 12. See Col. 3, lines 13-15, and that *Speer* described the container 12 as including a plurality of padeyes 27 for allowing a crane to lift the container 12 onto a vessel via cables for shipment and delivery. See Col. 3, lines 23-25. Accordingly, *Speer* does not teach or suggest a plurality of hooks integrally formed with the housing body of a modular vault. Moreover, the Examiner has acknowledged that *Guardiani* does not teach or suggest a plurality of hooks integrally formed with the housing body of a modular vault. There is no suggestion in *Guardiani* or *Speer* to provide a plurality of hooks integrally formed with the housing body of a modular vault.

Furthermore, there is no suggestion, teaching, or motivation in *Guardiani* or *Speer* that the elements of *Speer* should be combined with the elements of *Guardiani*. There is no suggestion or teaching in *Guardiani* or *Speer* about how to achieve the structure of Applicants’ claimed invention. Because the combined references do not suggest or teach the structure of Applicants’ claimed invention, Claim 22 is not obvious in view of *Guardiani* over *Speer*.

For all of the foregoing reasons, Applicants request that the Examiner reconsider the rejections and allow the claims of the application as presently pending. If the Examiner believes that an Interview would facilitate resolving any outstanding issues, the Examiner is requested to contact the undersigned.

Please charge any additional fees, or make any credits, to Deposit Account No. 10-0447 (41241/00006USD1).

Respectfully submitted,

July 9, 1999

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